

Chiccine, Catherine

From: Knowles, Susan B <SKnowles@ameren.com>
Sent: Monday, November 7, 2022 9:28 AM
To: Chiccine, Catherine
Subject: FW: Ameren letter
Attachments: ltr to Kayser re response to Nov 4 ltr to Chonda(24164911.1).pdf

From: Madonia, Joseph <Joseph.Madonia@btlaw.com>
Sent: Monday, November 7, 2022 8:59 AM
To: pkayser@harrisdowell.com
Cc: Madonia, Joseph <Joseph.Madonia@btlaw.com>
Subject: Ameren letter

Dear Ms. Kaiser – please see attached correspondence.

Joseph Madonia | Partner
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400, Chicago, IL 60606-2833
Direct: (312) 214-5611 | Fax: (312) 759-5646



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November 7, 2022

Ms. Portia Celeste Kayser
Harris, Dowell, Fisher & Young L.C.
15400 South Outer Forty, Suite 202
Chesterfield MO 63017

Dear Ms. Kayser:

This is in response to your letter dated November 4, 2022, to Senior Vice President, General Counsel, Chonda Nwamu of Ameren Missouri ("Ameren"). Kindly address all future communications to me and my co-counsel, Mr. Mark Leadlove of Bryan Cave Leighton Paisner LLP. Collectively, we represent Ameren with respect to these matters and I have been involved in the Huster substation project since 2012.

Ameren agrees wholeheartedly that the focus of all parties and stakeholders is, and should remain, on ensuring the ongoing safety of the municipal water supply. Ameren has been committed to that objective since it first became aware of groundwater impacts associated with its Huster substation in 2012 and every action it has taken since that time has been in service of that objective. We also agree that, to the extent practicable, sampling activities should be coordinated among the City of St. Charles ("the City"), the Findett PRP Group and Ameren.

As you are aware, Ameren Missouri has ongoing obligations to USEPA to monitor groundwater at locations near its Huster substation. It is also likely that the monitoring commitments will continue following entry of the final form of the Consent Decree currently pending with the District Court. Consistent with the EPA-directed monitoring and Ameren Missouri's commitment to the safety of the municipal water supply, Ameren Missouri cannot unilaterally turn over to the City certain aspects of the ongoing work activities near the Huster substation. Importantly, Ameren is responsible for the operation, use and maintenance of various piezometers (PZ) wells located on City right of way. We installed special caps on them to maintain the integrity of those wells. We are committed to continuing to coordinate with the City and other stakeholders to access and test the wells under the USEPA guidance.

Ameren has no objection to granting the City access to take water level readings at the PZ well locations and, in fact, has provided access to the City for such purposes on three prior occasions. To facilitate efficiency in the process for all parties, we request that the City coordinate timing so that we could take simultaneous readings. Again, we remain fully committed to working with the City on all these issues.

In light of your November 4 correspondence to Ms. Nwamu, we will cancel the water level readings at the PZ monitoring locations previously scheduled for Monday November 7, 2022, so

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that we can further discuss and coordinate process and logistics. We will take water level readings on that day at well locations on our property.

We further have no objection to the City's request to take groundwater samples during the week of November 14, 2022, but do request that a work plan be provided that describes how such samples will be taken, as required by EPA. As indicated we intend to take side by side samples at the same time. All of the foregoing is standard operating procedure.

Consistent with our joint safety objective, Ameren believes that it is imperative to move forward expeditiously with investigatory activities. Indefinite delays are counter to the public interest and we look forward to expeditious coordination and agreement on the basic logistics and access issues to facilitate the environmental investigation. USEPA has authority to accelerate the process under Section 104 of CERCLA to compel access, but we prefer to work cooperatively with the City to resolve the access issues in a timely fashion. Ameren believes that it is imperative to move forward expeditiously with investigatory activities.

Your letter states that there is an atmosphere of "hostility" among the parties. Ameren Missouri continues to work in good faith in a collaborative manner and does not perceive or participate in hostility. Access and coordination issues are routine matters when dealing with a multi-party and stakeholder site. We remain committed to coordination to ensure the collective objective of continued safety of the municipal water supply. Ameren has provided the City with a sampling work plan when we have sought permission to sample at City-owned locations, and we seek the same coordination and sampling work plan from the City to ensure transparency for all stakeholders and interested parties.

Finally, to the extent that there will be issues relating to the municipal ordinance and license agreement, those will be addressed by separate letter by my co-counsel, Mark Leadlove. We look forward to working with you on this project.

Sincerely,

/s/Joseph F. Madonia

Joseph F. Madonia

JFM:ljm

cc: Chonda Nwamu